

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
WESTERN DIVISION

GEORGE BROCHES,	)	
Petitioner,	)	Case No. 08 C 50036
	)	(05 CR 50037-01)
v.	)	Judge Philip G. Reinhard
	)	
UNITED STATES OF AMERICA,	)	
Respondent.	)	

**UNITED STATES' MOTION FOR AN EXTENSION OF TIME TO FILE  
ITS RESPONSE IN OPPOSITION TO PETITIONER'S  
MOTION PURSUANT TO 28 U.S.C. § 2255**

The UNITED STATES OF AMERICA, by its attorney, PATRICK J. FITZGERALD, United States Attorney for the Northern District of Illinois, hereby submits this motion to extend the time for the filing of its response in opposition to petitioner's motion pursuant to 28 U.S.C. § 2255. In support of this motion, the United States states as follows:

1. This court previously ordered that the United States file its response within 60 days of April 7, 2008. Therefore, the United States response is due Friday, June 6, 2008.

2. Petitioner has alleged that his trial counsel, Peter Muldoon, was ineffective at his sentencing hearing by failing to move for a downward departure pursuant to U.S.S.G. § 4A1.3(b) because his criminal history category overstated the seriousness of his criminal history and for failing to object to two level enhancement to his offense level for obstruction of justice. After being

ordered to respond to the petition, the United States contacted Attorney Muldoon and asked him to prepare an affidavit in response to petitioner's motion and provide it to the Government no later than June 2, 2008. Attorney Muldoon informed the United States in the afternoon of June 4, 2008 that due to other court commitments, he would not be able to complete the affidavit prior to June 6, 2008, and needed additional time to do so.<sup>1</sup>

3. Because petitioner has alleged that his trial counsel was ineffective at his sentencing, an affidavit from his counsel, Attorney Muldoon, in response to those allegations will be highly probative to that issue. As such, the United States seeks a short extension of time to file its response in order to incorporate the affidavit of Attorney Muldoon into its response.

4. The undersigned AUSA is unaware of any prejudice to the court or petitioner caused by this motion to extend. The United States' seeks an extension of two weeks, to Friday, June 20, 2008, to file its response to petitioner's motion.

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<sup>1</sup>Because the United States did not learn that that Attorney Muldoon would not be able to complete the affidavit before the due date for the United States' response until June 4, 2008, the United States was not able to schedule the motion for presentment to the court prior to the due date for the response. The United States has filed its notice of presentment of motion for extension of time for the next Court's motion call on Wednesday, June 11, 2008.

WHEREFORE, for good cause shown, the United States respectfully requests that this court extend by two weeks, from Friday, June 6, 2008, to Friday, June 20, 2008, the time for the filing of the United States' response in opposition to petitioner's motion pursuant to 28 U.S.C. § 2255.

Respectfully submitted,

PATRICK J. FITZGERALD  
United States Attorney

By: /s Joseph C. Pedersen  
JOSEPH C. PEDERSEN  
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Rockford, IL 61101  
(815) 987-4444

**CERTIFICATE OF FILING AND SERVICE**

I, JOSEPH C. PEDERSEN, certify that on June 5, 2008, in accordance with FED. R. CRIM. P. 49, FED. R. CIV. P. 5, LR5.5, and the General Order on Electronic Case Filing (ECF), the following documents:

**UNITED STATES' RESPONSE FOR AN EXTENSION OF TIME TO  
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were served pursuant to the district court's ECF system as to ECF filers, and was sent via United States Mail on June 5, 2008, to the following non-ECF filer:

George Broches  
Reg. No. 1267-1424  
Federal Prison Camp  
P.O. Box 1085  
Oxford, WI 53952

/s Joseph C. Pedersen  
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